

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on March 13, 2007, and the references cited therewith.

Claims 1, 7, 14, 21, 27, and 34 are amended, and no claims are canceled or added; as a result, claims 1-37 are now pending in this application.

§ 102 Rejection of the Claims

Claims 1-37 were rejected under 35 USC § 102(b) as being anticipated by Smith et al. (U.S. Patent No. 5,267,322). Applicant respectfully traverses the rejection as follows.

Applicant's independent claim 1, as amended, presently recites:

a measurement module including program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN);

* * *

a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

From Applicant's review of the Smith reference, the reference does not appear to describe, "an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network", and "applying the gain value" "before the outgoing voice signal stream enters the output channel in communication with the PSTN", as indicated above in the recitation of Applicant's independent claim 1, as amended. For example, the Smith reference states in column 5, lines 27-32:

The telephone interface elements 20 include one or more analog line interface modules 24, which receive incoming calls on a public switched telephone line 70. As is known in the art, the analog interface modules digitize incoming call signals and assign the call to a channel in the system.

In addition, element 70 in Fig. 1A of Smith appears to show output only “to PBX or central office switch”. As found in the Webopedia Computer Dictionary (www.webopedia.com/TERM/P/PBX.html), the definition of “PBX” is “*private branch exchange, a private telephone network used within an enterprise.*” The “central office switch” to which output is sent from element 70 also appears to be utilized with “a private telephone network used within an enterprise.”

Applicant’s independent claim 7, as amended, presently recites:

a measurement module including program instructions to measure a power level at a number of segments of the outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN); and

a gain factor setting module coupled to the gain adjustment module wherein the gain factor setting module includes program instructions to set the gain value by comparing the measured power level to a threshold to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

Applicant’s independent claim 14, as amended, presently recites:

a measurement module including program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to the PSTN;

means for adjusting a power level of the voice signal stream to operate within compliance of the PSTN before the outgoing voice signal stream enters an output channel in communication with the PSTN;

Applicant’s independent claims 21 and 27, as amended, each presently recites:

measuring a power level of the outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN);

* * *

adjusting the power level of the outgoing voice signal stream based on the comparison to operate within compliance of the PSTN

before the outgoing voice signal stream enters the output channel in communication with the PSTN.

In addition, Applicant's independent claim 34, as amended, presently recites:

measuring a power level of an outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN);

* * *

gradually adjusting the power level of the outgoing voice signal stream over time based on the comparison to bring the power level toward a target output level to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

Support for the amendment of independent claims 1, 7, 14, 21, 27, and 34 as recited above can be found in the specification of the present application as originally filed. Specifically, the specification recites on page 6, line 31, through page 7, line 1:

In the embodiment shown in Figure 2, the gain controller 220 uses computer executable instructions to monitor the power level of the signal stream between a voice signal source 202 and an output channel 208, that is in communication with the PSTN 222.

Further support can be found on: page 6, lines 10-15; page 12, lines 15-16; and page 15, lines 7-12. Likewise, additional support can be found in Figure 2, and elsewhere in the specification as originally filed.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 7, 14, 21, 27, and 34, as amended, is not present in the Smith reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection of independent claims 1, 7, 14, 21, 27, and 34, as amended, as well as those claims that depend therefrom.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tuan V. Ngo at (408) 447-8133 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 1st day of May, 2007.

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